

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 8:19-cv-2912-WFJ-AEP

\$30,010.00 IN UNITED STATES CURRENCY,

Defendant.

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**ORDER DENYING MOTION FOR SUMMARY JUDGMENT**

Before the Court is the United States' Motion for Summary Judgment, Dkt.

46. This case concerns the potential forfeiture of \$30,010 in United States currency seized by the government from Justin Duzdar ("Claimant"). The United States submits plausible evidence regarding Claimant's intentions with the \$30,010, however the Court concludes that a genuine issue of material fact remains.

Accordingly, the Court denies the United States' motion for summary judgment.

The United States claims the seized currency is subject to forfeiture because it was intended to be used by Claimant in exchange for a controlled substance in violation of 21 U.S.C. § 881(a)(6). However, Claimant maintains he intended to use the \$30,010 in cash to purchase merchandise for his clothing business.

Generally, “The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). A genuine issue is one where a reasonable jury could find for the nonmoving party based on submitted evidence. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986).

Here, evidence submitted by Claimant, including the depositions of both Claimant and his brother, proves a genuine issue of material fact as to Claimant’s intention with the seized currency. The Court at this stage may not generally adjudicate credibility. Based on that limitation, the United States has not now proven that Claimant’s clothing business is illegitimate. Therefore, a jury must decide if the seized currency was intended to be used to facilitate a drug trafficking offense in violation of 21 U.S.C. § 801.

After consideration, the Court concludes that the evidence submitted by Claimant raises an issue of material fact. The Court is not prepared to enter judgment at this time. The Motion for Summary Judgment, Dkt. 46, is denied.

**DONE AND ORDERED** at Tampa, Florida, on June 14, 2021.

/s/ William F. Jung  
**WILLIAM F. JUNG**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record